

REMARKS

This is a response to the initial Office Action Mailed May 8, 2003 in relation to the above-identified patent application. Claims 1-18 remain in this application. Claims 1, 4, 6, 7, 9, 10, 14, 17, and 18 have been amended.

In that initial Office Action, the Examiner rejected claims 1-18 under 36 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More particularly, with respect to claim 1, the Examiner stated that it is not clear how "the first and second light transmissive materials cooperate with one another in a manner which mitigates changes in an optical path length of the reflective resonator due to changes in temperature." Applicant has amended claim 1 to recite the partially and totally reflective surface and their location in the claimed structures, so as to make the temperature compensation aspect of the claim more clear. As amended, two reflective surfaces are now recited.

Claims 4-7, 17 and 18 have been similarly amended so as to clarify how temperature compensation is provided.

Claim 6 has been amended to show how the light transmitting material cooperates and to recite additional structure.

It is worthwhile to note that paragraphs [0038] ~ [0049] describe detailed structure of one example of the present invention and explained the principle of how the device works. The

partially reflective front surface has been added to the claims. This structure is clearly shown in Fig. 4 and Fig. 5. Further, the spacer is also now recited in the claims.

The name "Ohara Corporation S-FPL51 glass" has been removed from claims 9 and 14.

Regarding the double patenting rejection of claims 1-18 of the subject application as conflicting with claims 1-17 of U.S. application serial no. 10/016,729, it is important to note that only claim 4-8 of this application have been allowed. Further, none of claims 4-8 of U.S. application serial no. 10/016,729 recite the use of a totally reflective surface, as recited in claims of the present application, as amended.

Applicant respectfully traverses the objection to Claim 4 as being a substantial duplicate of Claim 5. Please note that the last paragraph of Claim 4 is substantially different from the last paragraph of Claim 5. Indeed, the terms " L_g ", " L_a " and " L_{ULE} " are not even recited in the last paragraph of Claim 4, but appear in the last paragraph of Claim 5.

Further, the Examiner rejected claims 1-6 and 17-18 based upon US 4,167,463. Applicant respectfully suggested that the US 4, 167, 463 does not disclose a resonator and partial reflective surface. Instead, the device in prior art is cooled by water flow during operation (column 2 lines 36-44, 50-65) and thus does not appear to require temperature compensation. The present application addresses passive temperature compensation. Further, the device in prior art apparently will not work for temperature compensation since: (1) the front window (ZnSe) does not have the required thermal property; (2) focused laser beam generates highly non-uniform local temperature profile; and (3) the concave reflector does not have a constant optical path length along its surface.

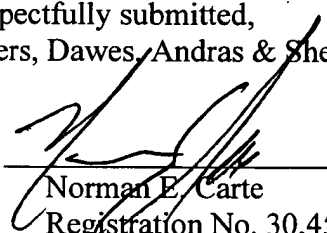
Further, US 3,781,469 does not disclose a constant optical path length for a resonator. It is active device, not a passive device.

Moreover, both cited references merely disclosed a way to hold an optical element, rather than to provide temperature compensation. Thus, the invention of the present application is not ever in the same area as the cited references.

Therefore it is respectfully submitted that the pending claims are in condition for allowance. Reconsideration and an early allowance are respectfully requested.

Please note that applicant's representative has a new address. Please address all correspondence to **Myers, Dawes, Andras & Sherman LLP, Attention: Norman Carte, 19900 MacArthur Blvd., Ste. 1150, Irvine, CA 92612.**

Respectfully submitted,
Myers, Dawes, Andras & Sherman LLP

By: 
Norman E. Carte
Registration No. 30,455
Telephone: 949 223-9600